



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
SUBDIVISION REPORT - CONCEPT**

▶ **FILE #:** 6-SB-13-C **AGENDA ITEM #:** 10

POSTPONEMENT(S): 6/13/2013 **AGENDA DATE:** 7/11/2013

▶ **SUBDIVISION:** BRANDYWINE AT TURKEY CREEK

▶ **APPLICANT/DEVELOPER:** BRANDYWINE AT TURKEY CREEK

OWNER(S): Brandywine at Turkey Creek

TAX IDENTIFICATION: 130 O A 001-040 & 130-07204

JURISDICTION: County Commission District 6

▶ **LOCATION:** West side of Fretz Rd., south of Campbell Station Rd.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

WATERSHED: Turkey Creek

▶ **APPROXIMATE ACREAGE:** 13.32 acres

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Residential Subdivision

▶ **PROPOSED USE:** Revision to Concept Plan condition

SURROUNDING LAND USE AND ZONING: North: Vacant land and residences / NZ (No Zone) Town of Farragut & A (Agricultural)
South: Vacant land and residence / A (Agricultural)
East: Residences / A (Agricultural)
West: Vacant land / PR (Planned Residential)

▶ **NUMBER OF LOTS:** 0

SURVEYOR/ENGINEER: David Campbell

ACCESSIBILITY: Access is via Fretz Rd., a local street with a minimum pavement width at some locations of only 14' within a 40' right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:** None

STAFF RECOMMENDATION:

▶ **Staff recommendation to be provided in "blue sheets" provided either on Tuesday or Thursday of meeting week. See UPDATE comments below:**

UPDATE ON EVENTS SINCE THE PLANNING COMMISSION'S JUNE 13, 2013 MEETING:

The applicant's surveyor has submitted a survey to engineering staff with the Town of Farragut and Knox County identifying the additional right-of-way that would be required to complete the proposed street improvements to Fretz Road. A meeting has been scheduled with the property owners to discuss right-of-way acquisition. Based on the results of the meeting with the property owners, the engineering staff with the Town of Farragut and Knox County may be able to make a recommendation on the applicant's request to modify the Planning Commission's condition that restricted the number of building permits to be issued until the Fretz Rd. improvements were completed.

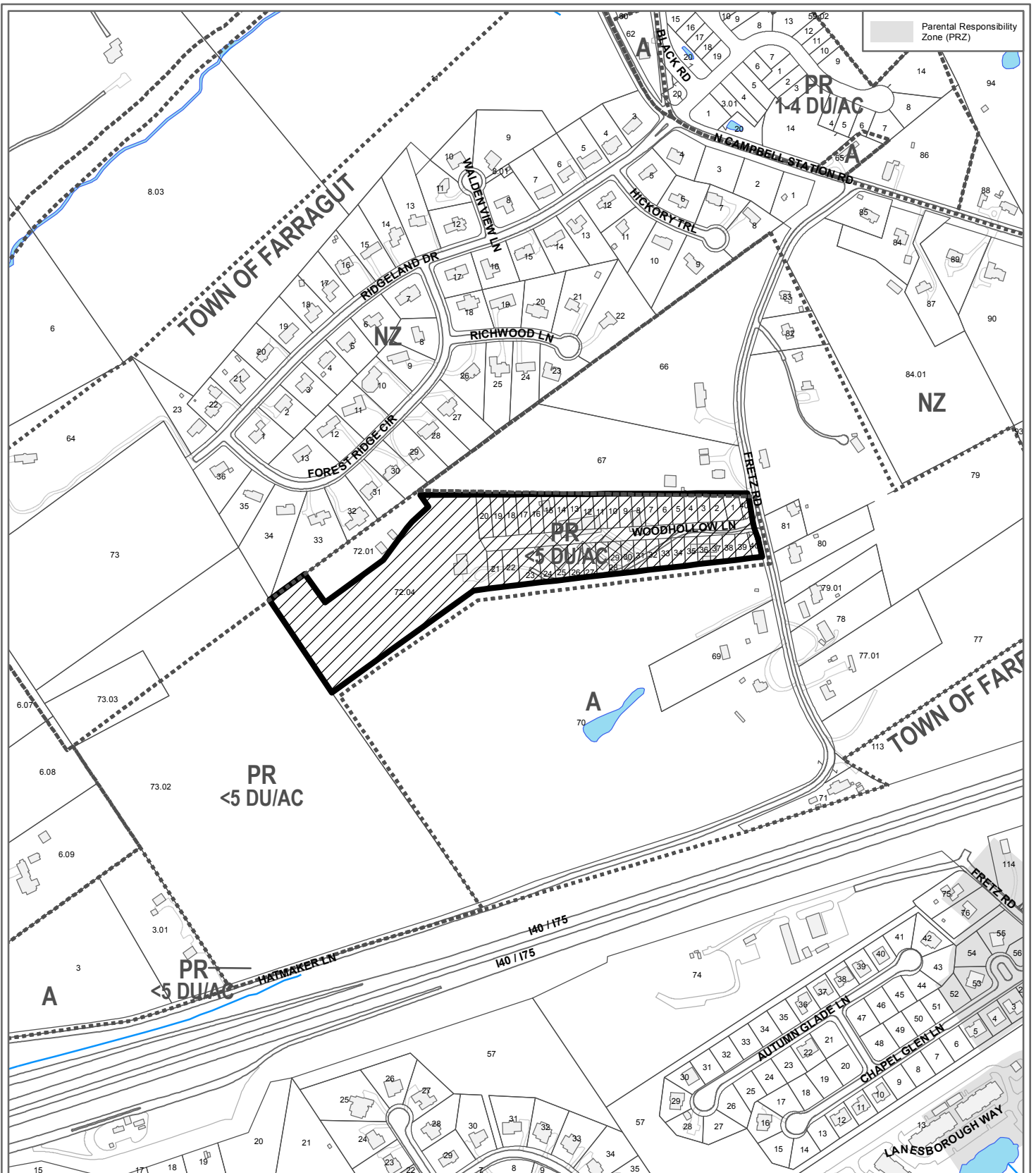
COMMENTS:

The applicant is requesting another modification to a condition placed on the concept plan approval for the Brandywine at Turkey Creek Subdivision. The concept plan approval (2-SA-09-C/2-B-09-UR) granted for this subdivision on February 12, 2009 included a condition that the required street improvements to Fretz Rd. had to be completed before a final plat could be considered by the Planning Commission. The applicant submitted a request for a change to that condition (11-SA-10-C) in October, 2010 with the Planning Commission granting a revised approval on April 14, 2011. The revised conditions allowed consideration of a final plat for the subdivision with documentation that the design plans for the Fretz Rd. improvements had been approved and surety had been provided to the Town of Farragut and Knox County to guarantee the completion of the improvements. Only 15 building permits were to be issued until the Fretz Rd. improvements were completed. It has been over two years since the revised conditions were approved and the street improvements have still not been completed. The applicant is requesting approval of five additional building permits for a total of twenty. A copy of the minutes from the Planning Commission's April 14, 2011 meeting are also attached.

ESTIMATED TRAFFIC IMPACT: Not calculated.

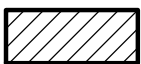
ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court appeal hearing will depend on when the appeal application is filed.



**6-SB-13-C
CONCEPT PLAN**

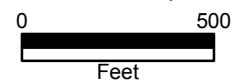
Subdivision: Brandywine at Turkey Creek



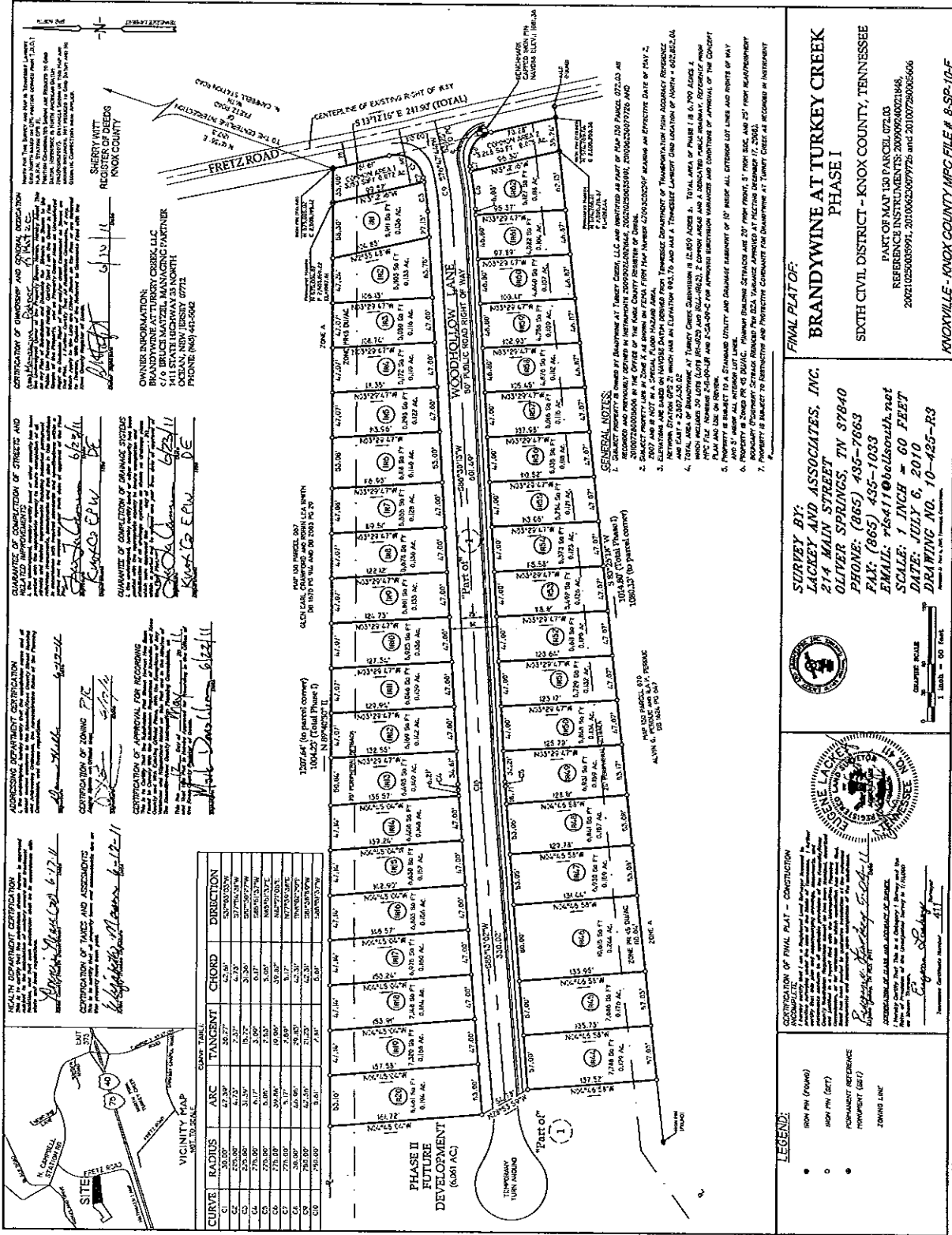
Revision to a Concept Plan condition

Map No: 130

Jurisdiction: County

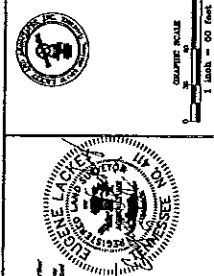


Original Print Date: 5/29/2013 Revised: 6/5/2013
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



FINAL PLAT OF:
BRANDYWINE AT TURKEY CREEK
PHASE I
 SIXTH CIVIL DISTRICT - KNOX COUNTY, TENNESSEE
 PART OF MAP 130 PARCEL 072.03
 REFERENCE INSTRUMENTS: 200909240021848,
 200210250085991, 20100620097726 and 201007290065066
 KNOXVILLE - KNOX COUNTY MPC FILE # 8-SP-10-F

SURVEY BY:
LACKEY AND ASSOCIATES, INC.
 214 MAIN STREET
 OLIVER SPRINGS, TN 37840
 PHONE: (865) 436-7863
 FAX: (865) 436-1033
 EMAIL: rla411@bellsouth.net
 SCALE: 1 INCH = 60 FEET
 DATE: JULY 6, 2010
 DRAWING NO. 10-425-R3



CONTRIBUTION OF FINANCIAL PLAT - CONSTRUCTION
 I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor and Engineer in the State of Tennessee.

LEGEND:
 • 80% PM (FOUND)
 ○ 80% PM (SET)
 • FORMERLY REFERRED TO AS (SET)
 ZONING LINE

COUNTERSIGNED
 KNOX COUNTY RECORDS SECTION
 JUN 29 2011
 BY: PHEL DALLARD

GUARANTEE OF COMPLETION OF STREETS AND
 I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor and Engineer in the State of Tennessee.

GUARANTEE OF COMPLETION OF DRAINAGE SYSTEMS
 I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor and Engineer in the State of Tennessee.

CONTRIBUTION OF FINANCIAL PLAT - CONSTRUCTION
 I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor and Engineer in the State of Tennessee.

CONTRIBUTION OF FINANCIAL PLAT - CONSTRUCTION
 I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor and Engineer in the State of Tennessee.

CURVE	RADIUS	ARC	TANGENT	CHORD	DIRECTION
C1	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C2	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C3	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C4	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C5	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C6	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C7	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C8	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C9	250.00'	47.37'	23.27'	47.37'	37°30'30"SW
C10	250.00'	47.37'	23.27'	47.37'	37°30'30"SW

Brandywine at Turkey Creek, LLC
1411 State Route 35
Ocean, NJ 07712

April 30, 2013

Mr. Thomas Brechko
Knoxville/Knox County Metropolitan Planning Commission
Suite 403 , City/County Bldg
400 Main St.
Knoxville, TN 37902

**RE: Concept Plan Submission (MPC 6-SB-13-C)
Request for Permission to Release Five Additional Building Permits
Brandywine at Turkey Creek**

Dear Mr. Brechko:

As a condition of final plat approval, Brandywine at Turkey Creek was allowed to request 15 building permits prior to the completion of the widening of Fretz Road from Campbell Station Road to the subdivision entrance. My banker has held off funding the road widening portion of the project until sales activity met their satisfaction. They are now on-board and they have provided the funding for road widening.

The purpose of this concept plan submission is to request a release of five additional lots which would make a total of 20, instead of the current 15. The pavement widening improvements are now under construction and are expected to be finished in the next 45 – 60 days. My Bonds are in place with both Farragut and Knox County for all the work needed to be completed.

I have already sold homes that I will not be able to begin building without the additional lots. We will continue the work until the job is complete. My financing to complete the work on the road is in place with Clayton Bank.

The road widening will be completed by July 30, 2013, well before CO's will be issued for these additional lots. Please contact me at (732) 616-3386 with any questions or comments you may have.

Thank you.


Bruce Matzel



Tom Brechko <tom.brechko@knoxmpc.org>

Stop Work Order

6-SB-13-C

1 message

Darryl Smith <dsmith@townoffarragut.org>

Tue, May 21, 2013 at 11:41 AM

To: "kps6029@bellsouth.net" <kps6029@bellsouth.net>

Cc: Gary Palmer <gpalmer@townoffarragut.org>, Chris Jenkins <cjenkins@townoffarragut.org>, Greg Norman <gnorman@townoffarragut.org>, Ruth Hawk <rhawk@townoffarragut.org>, Mark Shipley <mshipley@townoffarragut.org>, "rlemay@lemayassociates.com" <rlemay@lemayassociates.com>, "tomhale@kramer-rayson.com" (tomhale@kramer-rayson.com)" <tomhale@kramer-rayson.com>, "Chris Martin (cmartin@ayreslaw.com)" <cmartin@ayreslaw.com>, "Cindy Pionke (Cindy.Pionke@knoxcounty.org)" <Cindy.Pionke@knoxcounty.org>, "jim.snowden@knoxcounty.org" <jim.snowden@knoxcounty.org>, "Dwight Van de Vate (Dwight.VandeVate@knoxcounty.org)" <Dwight.VandeVate@knoxcounty.org>, "tom.brechko@knoxmpc.org" <tom.brechko@knoxmpc.org>, "tsk0259@comcast.net" <tsk0259@comcast.net>

Mr. Spath:

As a result of a conversation on site that occurred with Mr. Crawford (an adjacent property owner), we reviewed the deeds and compared them with the roadway plans drawn by Richard LeMay. There seems to be a couple different problems with the available right-of-way on which the planned road improvements are to be built. One problems is related to the 0.204 acres of ROW that has not yet been acquired from the current owner of the Palmer tract. Secondly, there is the question of ROW acquisition along Campbell Station Road from the Ferrell tract. **Therefore, we require you cease any and all construction activities until the matter can be resolved. See attached STOP WORK NOTICE.** Please make sure the site is stabilized (from an erosion perspective) prior to leaving the site.

Additionally, I have attached copies of both the deeds for right-of-way, along with the plan view of proposed right-of-way from the construction plans (drawn by LeMay). From these, you can visually see the differences.

We need to set up a meeting with you and the developer to discuss a plan of action as to how to resolve this matter as soon as possible. Please let us know when you both are available.

Darryl W. Smith, PE

Town Engineer

Town of Farragut

11408 Municipal Center Drive

Farragut, TN 37934

(865)966-7057

STOP WORK NOTICE



**TOWN OF FARRAGUT
ENGINEERING DEPARTMENT
966-7057**

THIS CONSTRUCTION SITE HAS BEEN INSPECTED AND:

GENERAL CONSTRUCTION _____

NO GRADING PERMIT _____

EROSION CONTROL MEASURES _____

TREE PRESERVATION _____

OTHER Insufficient Right-of-Way
(Acquisition & Plat will be required)
IS NOT ACCEPTED

**CORRECT AS NOTED AND SCHEDULE RE-INSPECTION
BEFORE ANY FURTHER WORK IS DONE**

DO NOT REMOVE THIS NOTICE

NAME Spath Bros. LLC PERMIT NUMBER N/A

LOCATION Fretz Road / Campbell Station Road Int.

INSPECTOR(S) Greg Norman DATE 5/21/2013

STOP WORK ORDER NUMBER 52113-01

6-SB-13-C

CASE SUMMARY
APPLICATION TYPE: SUBDIVISION
CONCEPT PLAN

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

File Number: 11-SA-10-C Related File Number:
Application Filed: 9/27/2010 Date of Revision:
Applicant: BRANDYWINE AT TURKEY CREEK

PROPERTY INFORMATION

General Location: West side of Fretz Rd., southwest of N. Campbell Station Rd.
Other Parcel Info.:
Tax ID Number: 130 07203 Jurisdiction: County
Size of Tract: 13.32 acres
Accessibility: Access is via Fretz Rd., a local street with a minimum pavement width at some locations of only 14' within a 40' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use: North: Vacant land and residences / NZ (No Zone) Town of Farragut & A (Agricultural)
South: Vacant land and residence / A (Agricultural)
East: Residences / A (Agricultural)
West: Vacant land / PR (Planned Residential)
Proposed Use: Detached Residential Subdivision Density: 4.58 du/ac
Sector Plan: Northwest County Sector Plan Designation:
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: Brandywine at Turkey Creek
No. of Lots Proposed: 61 No. of Lots Approved: 61
Variances Requested: 1. Horizontal curve variance at STA 11+58 from 250' to 150'.
2. Horizontal curve variance at STA 13+55 from 250' to 150'.
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Tom Brechko
Staff Recomm. (Abbr.): APPROVE variances 1 & 2 because the site's shape restricts compliance with the Subdivision Regulations, and the variances will not create a traffic hazard. APPROVE the revised Concept Plan subject to 10 conditions.
Staff Recomm. (Full): 1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of a street name which is consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
3. Implementing the following off-site street improvements: Widening of Fretz Rd. from the entrance of the Subdivision north to N. Campbell Station Rd. The section of Fretz Rd. within Knox County jurisdiction shall be widened to a width of at least 20' with a taper south of the Subdivision entrance down to the existing pavement width and a pavement transition at the north end to the approved street design within the Town of Farragut. The section of Fretz Rd. within the Town of Farragut jurisdiction, including the realignment of the intersection of Fretz Rd. and N. Campbell Station Rd., shall meet the design and approval requirements of the Town of Farragut. The design plans for these improvements shall be approved and a surety posted with the applicable jurisdiction to guarantee completion of the improvements prior to the Planning Commission's approval of the Phase One Final Plat (maximum of 39 lots) for the subdivision. Written documentation from the Knox County Department of Engineering and Public Works and the Town of Farragut certifying that this condition has been met must be provided to Planning Commission Staff prior to the day of the Planning Commission meeting at which the final plat will be considered.
4. Until certification is provided to the Planning Commission Staff from the Knox County Department of Engineering and Public Works and the Town of Farragut that the improvements identified in condition #3 above have been completed, no more than 15 building permits shall be issued for this subdivision.
5. Installation of traffic calming devices as required by the Knox County Department of Engineering and Public Works.
6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
7. Prior to certification of the final plat for the subdivision, establishing a property owners association that will be responsible for maintenance of the common area, amenities area and drainage system.
8. On the final plat, including the sight distance easement across Lots 40-42 as identified on the concept plan with the restriction on placement of any structure or vegetation within the easement that will restrict sight visibility through the horizontal curve.
9. Providing the sidewalk (meeting American Disability Act (ADA) standards) identified on the concept plan.
10. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval of a concept plan in the PR zone.

Comments: A Concept Plan was approved for this site on February 12, 2009 for a detached residential subdivision with up to 66 lots. The revised concept plan has a total of 61 residential lots. One of the conditions of the approval required street improvements for Fretz Rd. be completed before a final plat for the subdivision could go before the Planning Commission for approval. The applicant is coming back before the Planning Commission to request a change to the condition allowing the posting of a bond or other form of surety to guarantee completion of the improvements to Fretz Rd., and not requiring the actual improvements to the street prior to approval of the plat.

After consulting with the Knox County Department of Engineering and Public Works and the Town of Farragut, Staff is recommending a revision to the previous condition as identified in conditions 3 and 4 above.

Action: Approved **Meeting Date:** 4/14/2011

Details of Action:

Summary of Action: APPROVE variances 1 & 2 because the site's shape restricts compliance with the Subdivision Regulations, and the variances will not create a traffic hazard.
APPROVE the revised Concept Plan subject to 10 conditions.

Date of Approval: 4/14/2011 **Date of Denial:** **Postponements:** 11/10/2010-3/10/2011

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Chancery Court

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**



Minutes

April 14, 2011

1:30 P.M. ◊ Main Assembly Room ◊ City County Building

The Metropolitan Planning Commission met in regular session on April 14, 2011 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

Mr. Robert Anders, Chair	*	Mr. Michael Kane
Ms. Ursula Bailey		Mr. Nate Kelly
* Mr. Bart Carey		Mr. Robert Lobetti
Ms. Laura Cole		Ms. Rebecca Longmire, Vice Chair
Mr. Art Clancy		Mr. Brian Pierce
Ms. Rachel Craig		Mr. Jack Sharp
A Mr. George Ewart		Mr. Wes Stowers
* Mr. Stan Johnson		

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF APRIL 14, 2011 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF MARCH 10, 2011 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

4. REQUEST FOR POSTPONEMENTS, WITHDRAWALS, TABLINGS AND CONSENT ITEMS.

Automatic Postponements read

COMMISSIONER STAN JOHNSON ARRIVED TO THE MEETING.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE MAY 12, 2011 MPC MEETING. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED 12-0.

Marshal Sneed, 2015 Grayburg Lane, Asked that Item No. 32 be withdrawn and that Item No. 33 be postponed 60 days.

scheduled for next week to determine that, we hope. That is the parcel identified in red as C. If in fact that was part of the lawsuit and the lawsuit was effective, the plan amendment and zoning on that property that took place in 2006 would have been null and void as well as the Development Corporation's land and that land would have reverted back to its previous land use classification which was low density residential. So we need to put that on the table as one of the options. That would reflect the land use plan for this area as it was adopted in the 2001 East County Sector update. That being said staff would continue to make the argument that that is an appropriate place for commercial activity. It is at the corner of two arterial roads adjacent to a land use classification of office and across Midway Road from a land use classification of general commercial. That option should remain on the table as part of discussion. Keep in mind that with the County Commission initiating this plan amendment, they are not bound by any recommendation that comes from the Planning Commission. They will do what they will do, but we need to have that on the table for them to go either way. Essentially we can take it back to the way it was in 2001 or the way we thought it was in 2008. The map that is in your package is the way staff had thought it was as of January 1, 2008, until this morning.

Robert Anders: What you are saying is it is not an option to approve per staff recommendation as is listed in our packet. We need to adjust parcel C.

Donaldson: You can approve it per our recommendation. You simply need to make the record for that recommendation so that County Commission has that in front of them, but we also need to make a record that it was there, that the zoning on that parcel and the land use classification on that parcel is not certain. It won't be certain until next week.

Rachel Craig: Mr. Donaldson, based on what you just told us there is going to be discussion of this next week, does it make sense for us to just postpone this for a month and come back when there is a little more clarity about it?

MOTION (CRAIG) AND SECOND (CLANCY) WERE MADE TO POSTPONE 30 DAYS. MOTION CARRIED 14-0. POSTPONED UNTIL MAY 12, 2011.

Concepts/Uses on Review:



9. **BRANDYWINE AT TURKEY CREEK**
West side of Fretz Rd., southwest of N. Campbell Station Rd.,
Commission District 6.

11-SA-10-C

STAFF RECOMMENDATION: Approve variances 1 & 2 and the revised concept plan subject to 10 conditions.

Chris Martin, 408 Sundown Road 37934. I am the attorney for the applicant.

Jay Myers, 1104 Fretz Road. I am a resident and property owner on Fretz Road. I am not opposed to the subdivision in any way, but we are opposed to it not being done safely. There have been many near collisions already of heavy equipment and material trucks. As a matter of fact, two weeks ago one of the trucks ran a car off into my front yard. When this was originally approved, we thought that the conditions were that the road was to be widened before anything was done on this property. There was a terrible school bus wreck on this road in the early 80's and many children were hurt. I would not want to see this happen again. I have the signatures of basically every resident and homeowner on Fretz Road asking that this not be done until this road is widened.

(Buz Johnson asked for the petition as part of the record. He then realized it was part of the packet already and returned it to Mr. Myers.)

Martin: The applicant has said a number of meetings with staff at MPC as well as at Town of Farragut and Knox County. The road widening will commence in about two weeks. It is going to start at just past this development on Fretz Road and will proceed in a northeasterly direction toward Campbell Station Road. It is anticipated that the portion in Knox County will probably take somewhere in the neighborhood of 3 to 4 weeks. There is also a portion in the Town of Farragut which has now been approved and that will probably take about another 3 to 4 weeks. The only caveat to the completion of road work is going to be just weather. We have fixed price bids for the work. Contracts have been let. Rogers Group is going to be doing the majority of the work in terms of paving and some of the grading work. There is landscape contracts that have been let. What we have asked staff for both at MPC as well as the town of Farragut is permission to go ahead and get started with construction with the approval of the plan while the road work is going on so that we don't lose the entire summer season in terms of construction while road work is going on. It is my understanding that staff has agreed to support that change and the Town of Farragut has agreed as well, and I believe Knox County Public Works has agreed. We are very sensitive to the fact that the road is narrow. It does need to be widened. Originally we had talked about doing the road work after most of the heavy construction work was done just because we didn't want to subject the road to being torn up by trucks. But in consultation with MPC staff and the Town of Farragut it was decided for safety concerns the road would just go in first. Hopefully everybody on Commission realizes the type of weather events we have been fighting the last 3 or 4 weeks. Frankly, we had hoped we would already be under construction with the road. We just had not had enough dry days to get going.

Robert Anders: You are saying that is a go right now. You are just waiting on the weather. You think it will start within two weeks?

Martin: That is correct.

Anders: Do you think the first part, the part just beyond the entrance back in Knox County will be done in 3 to 4 weeks from the time you start, weather permitting?

Martin: Weather permitting, it may be faster than that. Originally Rogers told my client that they felt like they could do the entire project including the part in the Town of Farragut in six weeks.

Art Clancy: Mr. Myers, my name is Art Clancy. I am going to support the staff's recommendation on this, but I don't want you think we are naive enough to think they are just going to do everything they say they will do. It is commonplace that some people don't. These people are probably not like that. I believe we talked about there are surety bonds in place to guarantee that the road is widened. That is one of the reason's I am supporting this. Whether it is done now or when the weather breaks that's for them to determine. I just wanted you to understand that there are things in place that will guarantee that that road gets widened. Everybody knows it needs to be widened.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Rachel Craig: I have a question for Ms. Pionke just to help me understand how this works a little better. If the applicant posts a surety bond, what is the time frame on that?

Cindy Pionke: I believe when we were talking with the Town of Farragut and ourselves we were talking about doing a 6-month bond. Although at this point in time I think they may have a 9 month bond left with us. You may remember this started out as a bigger development with, what is the name of the next development that Walt Lane is doing. Martin: Towering Oaks. Pionke, Thank you. It started as one large one and whoever was the first one, essentially it was a race to the finish. Whoever got their bond posted first would not have to make improvements on Campbell Station to make that left turn lane onto Fretz. So they already have a bond posted with us. The Town of Farragut bond should time out about the same time as Knox County bond.

Craig: If that bond did time out, would that mean that you guys would then go in a do the work and the applicant would be charged for it?

Pionke: If the applicant is not done in the timeframe, the Town of Farragut and Knox County are onboard with pulling the bond at that point and having the work completed.

Michael Kane: Mr. Martin, I am just trying to understand timing. What have before us in our packet is that essentially, if I am reading this correctly, it says "certification to be provided to the planning commission staff...that the improvements identified in condition number 3 above have been completed, no more than 15 building permits shall be issued for this subdivision." So you say basically depending on weather things will be done fairly quickly. Are you going to be asking for building permits in the next four weeks on this project?

Martin: Yes, we will. But they will be limited to 15. The entire development will have 61 units' 30 something in phase I. We are going to be limited to 15 to get started. Obviously the road will be finished before any of those units are ready for occupancy.

Anders: So the ground is cleared. You have got the ground ready and roads are in?

Martin: Within the development? The development is masqueraded. The drainage structures are in. Paving within the development has not commenced.

MOTION CARRIED 14-0. APPROVED.

- * **10. DRY GAP ROAD SUBDIVISION - SOUTHLAND GROUP, INC.**
a. Concept Subdivision Plan
Northeast side of Dry Gap Pike, northwest of Cunningham Rd.,
Commission District 7.

4-SA-11-C

STAFF RECOMMENDATION: Approve variances 1-4 and approve the concept plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW**
Proposed use: Detached Residential Subdivision in PR (Planned Residential) Pending District.

4-A-11-UR

STAFF RECOMMENDATION: Approve the development plan for up to 35 detached dwellings on individual lots and reduce the peripheral setback to 30' along the northern and southern property line as shown on the plan subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. OLD BLACKS FERRY ROAD SUBDIVISION - SOUTHLAND ENGINEERING**
a. Concept Subdivision Plan
North side of Old Blacks Ferry Rd., east of Blacks Ferry Rd.,
Commission District 6.

4-SB-11-C

#7
6-SB-13-C

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June 13, 2013

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R.R. KRAMER (1888-1966)

Mr. Chris Martin
Ayres and Parkey, Attorneys
Brookfield Professional Park
111 Fox Road
Knoxville, TN 37922

Re: Brandywine at Turkey Creek

Dear Chris:

I spent time last week discussing with Darryl Smith and Chris Jenkins the substance of their discussions with you and Mr. Matzel concerning the deed dated June 23, 2008 from Willie P. Palmer as "Grantors" to the Town of Farragut as "Grantees" ("The Deed").

This current discussion is but an extension of a longstanding, frustrating situation. For the record, I remember distinctly learning that this deed was prepared and recorded without the knowledge or participation of the Town of Farragut. It has never been the practice of the Town to have a private developer secure deeds to property that is necessary for the completion of its road projects. The current situation is a prime illustration of the wisdom of the Town's practice. Not only was the deed based upon plans that were not approved by the Town staff, but the deed also raises questions about what land area it intended to convey, as well as whether the now deceased property owner was paid for all of the property needed for the required road improvements.

It has been reported to me that you and/or your client take the position that the deed conveys to the Town the two segments of land shown on the attachment to the deed, both of which are needed for the road project. The first segment is designated as the "Area to be quitclaimed 0.22 AC. (9591 S.F)", and the second is designated as "R.O.W.

Mr. Chris Martin
June 13, 2013
Page 2

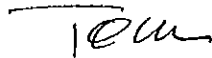
acquisition area 0.204 AC. (8882 S.F.).” As can be seen on the attachment, these segments each have their own boundary.

It is my opinion that none of our Knox County judges would conclude that this deed conveyed more than the segment that contains 0.220 acres or 9591 S.F. This is my belief because the written property description attached to the deed, to which the Brady drawing is attached, describes that parcel exactly and says, “containing 9591 square feet or 0.220 acres as shown on survey of John S. Patterson...:”. Moreover, the description does not describe the other segment that the drawing describes as the “R.O.W. acquisition area.” The KGIS mapping system also fails to show the “R.O.W. acquisition area” as being part of the current right of way.

It is my understanding that the people who inherited the property from Willie Palmer do not agree that the deed conveyed the “R.O.W. acquisition area” to the Town. In light of this, it is my belief that it is a mistake to move forward with the project relying on an interpretation of the deed that in my opinion could never be sustained, and I would advise the Town against it.

In light of the above, I would recommend having your client and his engineer prepare a Final Plat which is intended to represent the Right-of-Way needs to accommodate the roadway improvements as depicted by the approved Preliminary Plat. The Town would then take that Final Plat and acquire any needed Right-of-Way. Any costs incurred by the Town associated with the required acquisition/s would be the financial responsibility of the developer. We would need a promissory note secured by building lots sufficient in value to cover the amount of the note.

Very truly yours,



Thomas M. Hale
Attorney for the Town of Farragut

TMH/mdb

cc: Mr. Chris Jenkins
Mr. Darryl Smith